

## **Town Board Minutes**

May 5, 2014

Meeting No. 13

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5<sup>th</sup> day of May 2014 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
TERRENCE MCCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, DIRECTOR YOUTH BUREAU

## **PERSONS ADDRESSING TOWN BOARD:**

**Maureen Achkar**, spoke to the Town Board on the following matter:

- Concerned about the condition of work being done on Penora Street by Erie County.

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- The quantity of bullet proof vests purchased.
- Bridge on Lincoln Street is blocked off to one lane.
- Cost to retro-fit equipment from old Police vehicles to new Police vehicles.

**Dave Carroll**, spoke to the Town Board on the following matter:

- Problems created by construction being done by Erie County on Penora Street.

**Gloria Chaves**, spoke to the Town Board on the following matter:

- Supreme Court decision regarding prayer before Town Board meetings. Asks that private individuals or clergy be allowed to say a prayer before each Town Board meeting.

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- Issuance of Building Permits for installation of roofs.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Asked if Police Officers use personal vehicles when attending conferences.
- Land clearing on Town Line Road.
- Purchase of passenger vehicle in Highway Department.

**Dave Ostrom**, spoke to the Town Board on the following matter:

- No parking signs posted on Transit Boulevard.

**Gary Stevenson**, spoke to the Town Board on the following matters:

- Concerns about the work being done by Erie County on Penora Street.
- Asked for a turning signal at Penora Street and Como Park Boulevard.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: SPECIAL USE PERMIT –  
HYGLOSS KUSTOMZ, 505 D ERIE STREET.**

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY  
COUNCIL MEMBER AQUINO AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested  
persons upon a

The affidavits of publication and posting of this Public Hearing are on file and  
a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Mike Fronczak	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL  
MEMBER AQUINO AND CARRIED, the public hearing was closed at 7:21 P.M.

Decision on this matter was reserved.

May 5, 2014

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held April 21, 2014 and the Regular Meeting of the Town Board held April 21, 2014 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	ABSTAINED
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Assistant to the Supervisor, to wit:

Claim No. 35302 to Claim No. 35457 Inclusive

Total amount hereby authorized to be paid: \$596,786.76

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

May 5, 2014  
File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
22526		R and R Pros	235 Nathan's Trl	Re-Roof	
22527		Tony's Independent Contracting	304 Enchanted Forest N	Re-Roof	
22528		Ray Book	11 Jenny Ln	Er. Deck	
22529		RAW Construction Co.	121 Robert Dr	Re-Roof	(V/L)
22530		The Gutter People of WNY Inc.	189 Stony Rd	Re-Roof	
22531		Alliance Const of WNY Inc	56 Tranquility Trl	Er. Dwlg.-Sin.	
22532		Jonathan Neumeister	52 Tranquility Trl	Er. Fence	
22533		Active Fence	65 Madison St	Er. Fence	(V/L)
22534		Homes by Walter, Inc.	427 Aurora St	Er. Shed	
22535		Greg's Tree Service	1230 Townline Rd	Er. Storage Bldg	
22536		Besroi Construction	130 Pleasant View Dr	Re-Roof	
22537		Besroi Construction	26 Summerfield Dr	Re-Roof	
22538		Robert & Pamela Doerflein	2 Kent Pl	Er. Deck	
22539		Robert Monti	501 Erie St	Er. Sign – Pole	
22540		Ronald Ziolkowski	200 Siebert Rd	Re-Roof	
22541		Window Experts & More	221 Aurora St	Er. Res. Alt.	(V/L)
22542		Henry & Evelyn Brzezinski	4 Plumb Creek Trl	Inst. Generator	
22543		Erin Bice	27 Pavement Rd	Er. Shed	
22544		Robert Gonzalez	15 Wainwright Ct	Er. Fence	
22545		Philip Nowicki	9 Hidden Trl	Er. Shed	
22546		Walter Zakowski	10 Evergreen Dr	Er. Shed	
22547		Todd Schnitzer	14 Wildwood Dr	Er. Pool-Abv Grnd	(V/L)
22548		Jason Rick	16 Parkside Dr	Er. Garage	(V/L)
22549		Gregory Wener	15 Red Clover Ln	Er. Fence	
22550		Michael & Barrett Kerl	46 Bentley Cir	Re-Roof	
22551		Building Solutions	17 Apple Blossom Blvd	Re-Roof	
22552		X-Press Signs Inc.	5123 Transit Rd	Er. Sign - Pole	
22553		John G. Atanasio	219 Seneca Pl	Er. Res. Add.	
22554		Jerrold & Shari Kremblas	6 Windcroft Ln	Er. Shed	
22555		Joseph Contrino	221 Aurora St	Er. Fence	(V/L)
22556		Joseph Lamastra	10 Lancaster Ave	Er. Garage	(V/L)
22557		Schuster Construction LLC	17 Charlton Pl	Re-Roof	
22558		CMK Builders	196 Pavement Rd	Er. Dwlg.-Sin.	
22559		Irwin Roofing	11 Robinwood Ct	Re-Roof	
22560		The Gutter People of WNY Inc.	4958 William St	Re-Roof	
22561		Kevin McGowan	5389 Genesee St	Re-Roof	
22562		Kevin McGowan	5389 Genesee St	Er. Fence	
22563		DJC Land Development	2 Silent Meadow Lane	Er. Dwlg.-Sin.	
22564		Tramontana Contracting Corp.	16 Windcroft Ln	Re-Roof	
22565		Gary & Patricia Schneider	19 Gale Dr	Er. Res. Add.	
22566		Laurie Kolb	47 Irwinwood Rd	Er. Shed	(V/L)
22567		Jordon A. Kross	68 Middlebury Ln	Er. Fence	
22568		All Star Fence	4847 William St	Er. Fence	
22569		Jason Brotea	31 Grafton Ct	Er. Fence	
22570		Craig & Donna Lovell	5207 Genesee St	Re-Roof	
22571		Majestic Pools Inc.	42 Avian Way	Er. Pool-In Grnd	
22572		Majestic Pools Inc.	42 Avian Way	Er. Fence	
22573		Michael & Chandra Marzec	67 Chestnut Corner	Er. Pool-In Grnd	
22574		Majestic Pools Inc.	67 Chestnut Corner	Er. Fence	

22575	Majestic Pools Inc.	747 Erie St	Er. Pool-In Grnd	
22576	Majestic Pools Inc.	747 Erie St	Er. Fence	
22577	Majestic Pools Inc.	28 Sterling Pl	Er. Pool-In Grnd	
22578	Ronald & Amy Moberg II	28 Sterling Pl	Er. Fence	
22579	Neth & Son Inc.	22 Summerfield Dr	Re-Roof	
22580	Neth & Son Inc.	6 Windcroft Ln	Re-Roof	
22581	Paul & Sarah Stephen	51 Maple Dr	Er. Deck	
22582	Kevin Kibler	4 Commonwealth Ln	Er. Deck	
22583	Caesar Tucci	54 Middlebury Ln	Er. Deck	
22584	Marrano/Marc Equity Corp.	5 Kent Pl	Er. Dwlg.-Sin.	
22585	Marrano/Marc Equity Corp.	6 Kent Pl	Er. Dwlg.-Sin.	
22586	Marrano/Marc Equity Corp.	8 Kent Pl	Er. Dwlg.-Sin.	
22587	Pleasant Meadows Assocs LLC	35 Newberry Ln	Er. Dwlg.-Sin.	
22588	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22589	Jacqueline Picciano	90 Newberry Ln	Er. Pool-Abv Grnd	
22590	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22591	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22592	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22593	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22594	Juniper Boulevard LLC	501 Juniper Blvd	Er. Comm. Bldg.	
22595	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22596	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22597	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22598	Juniper Boulevard LLC	501 Juniper Blvd	Er. Res. Apartment	
22599	Gerome McLaughlin	5089 William St	Er. Res. Alt.	
22600	Richard Keller	12 Northbrook Ct	Er. Shed	
22601	United Church Home Soc Inc	5522 Broadway	Er. Shed	(V/L)
22602	Kevin Szczesny	17 Arrow Trl	Er. Pool-Abv Grnd	
22603	Windsor Ridge Partners LLC	10 Worthington Ln	Er. Dwlg.-Sin.	
22604	City Fence Inc.	65 Pheasant Run Ln	Er. Fence	
22605	Ryan Homes - NVR Inc.	12 Bennington Ln	Er. Dwlg.-Sin.	
22606	Bonnie O'Neil	3539 Walden Ave	Re-Roof	(V/L)
22607	Robert E. Bartz	716 Schwartz Rd	Re-Roof	
22608	Ann Marie Macrae	62 Nicholas Ln	Er. Fence	
22609	Tony's Independent Contracting	399 Lake Ave	Re-Roof	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board is considering the construction of a new mixed-use two-story residential apartment (5 units) and commercial storefront development with paved surface parking, utilities and landscaping located at 3950 Walden Avenue in the Town of Lancaster submitted by Stony Brook South Corporation, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on April 21, 2014 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled an “Unlisted” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. This project is described as a two story residential apartment (5 units) and commercial storefront on vacant one acre parcel which includes paved surface parking, utilities and landscape improvements, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014



**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: May 5, 2014**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed construction of a two story residential apartment (5 units) and commercial storefront on a vacant one acre parcel which includes paved surface parking, utilities and landscape improvements. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Stony Brook Mixed-use Development

**Location of Action:** 3950 Walden Avenue, Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted Action.

**Description of Action:** The construction of a two story residential apartment (5 units) and commercial storefront on vacant one acre parcel which includes paved surface parking, utilities and landscape improvements.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to

incorporate reasonably available energy conservation or renewable energy opportunities.

- 7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
- 8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
- 9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
- 10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
- 11. The proposed action will not create a hazard to environmental resources or human health.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney
	Town of Lancaster
Address:	21 Central Avenue
	Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated April 15, 2014 has requested the deletion of two members from the roster of said fire association.

**NOW, THEREFORE, BE IT  
RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the deletion from the membership of the Twin District Volunteer Fire Company the following individuals:

**DELETION:**

Jason Cellino  
Daniel Sutch as Junior Firefighter

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated April 15, 2014 has requested the addition of two members to the roster of said fire association.

**NOW, THEREFORE, BE IT  
RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individuals:

**ADDITIONS:**

Dylan Burns  
Lancaster, New York  
  
Daniel Sutch  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014  
  
File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated April 23, 2014, has requested the appointment of one (1) part-time temporary seasonal laborer to work in the Highway Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of laborer, part-time temporary seasonal, for a period not to exceed five (5) months, in the Highway Department, and that this being a part-time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>PAY RATE/HR.</u>	<u>EFFECTIVE DATE</u>
Cory Davis (re-hire) Lancaster, NY	\$8.50	May 27, 2014

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** Detective Captain William J. Karn, Jr. of the Town of Lancaster Police Department, by letter dated April 21, 2014, has requested authorization for one (1) member of the Lancaster Police Department to attend the Reid Investigative Interviewing for Child Abuse Cases seminar to be held at the Town of Tonawanda Police Department from June 17, 2014 through June 19, 2014.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that Detective Keith Kerl of the Town of Lancaster Police Department is hereby authorized to attend the Reid Investigative Interviewing for Child Abuse Cases seminar to be held at the Town of Tonawanda Police Department from June 17, 2014 through June 19, 2014.

**BE IT FURTHER,**

**RESOLVED,** that the cost of attendance at the above mentioned training course is hereby authorized in an amount not-to-exceed \$455.00 for actual and necessary expenses, for the cost of registration and lunch expenses for three (3) days on the specified dates of training, and

**BE IT FURTHER,**

**RESOLVED,** that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the U.S. Department of Justice, Office of Justice Programs  
provides grant monies to offset a portion of costs associated with the purchase of bullet-proof  
vests for sworn police officers, and

**WHEREAS**, the grant will provide up to 50% reimbursement for monies  
to be expended to purchase these items, and

**WHEREAS**, all applications must be completed electronically on-line,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to extend  
authorization to Grantmakers Advantage, Inc., the Town’s grant consultant, to complete the  
grant application on-line for the purpose of securing these grant monies.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** Chief Gerald Gill, Jr. of the Town of Lancaster Police Department, by letter dated April 29, 2014, has requested authorization for one (1) member of the Lancaster Police Department to attend the NRA Tactical Shotgun Instructor school to be held in Angola, New York from May 5, 2014 through May 9, 2014.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that Patrolman Shaun DiMino of the Town of Lancaster Police Department is hereby authorized to attend the NRA Tactical Shotgun Instructor school to be held in Angola, New York from May 5, 2014 through May 9, 2014.

**BE IT FURTHER,**

**RESOLVED,** that the cost of attendance at the above mentioned training course is hereby authorized in an amount not-to-exceed \$645.00 for actual and necessary expenses, for the cost of registration and lunch expenses for five (5) days on the specified dates of training, and

**BE IT FURTHER,**

**RESOLVED,** that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM TO WIT:

**WHEREAS,** the Town of Lancaster provides Dog Control services to its residents as well as those in the Villages of Depew and Lancaster, and

**WHEREAS,** according to New York State Agricultural and Markets Law, Article 7 and Article 26 any dog may be put up for adoption after being held for the legal holding period as determined by the Law, and

**WHEREAS,** the Town is not equipped to nor capable of placing seized and/or surrendered dogs up for adoption or to humanely euthanize dogs that are ill or a threat to public safety, and

**WHEREAS,** the Erie County Society for the Prevention of Cruelty to Animals, a not-for-profit corporation located at 205 Ensminger Road, Tonawanda, New York 14150, offers adoption and humane euthanasia services to municipalities for a per-service- provided fee as outlined in the agreement;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the Agreement, between the Town of Lancaster and the Erie County Society for the Prevention of Cruelty to Animals, a not-for-profit corporation located at 205 Ensminger Road, Tonawanda, New York 14150, to provide adoption and euthanasia services for the seized and/or surrendered dogs within the Town of Lancaster and hereby authorizes the Supervisor to execute said agreement which will cover the period January 1, 2014 through December 31, 2014.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Terrence McCracken, General Crew Chief of the Parks Recreation & Forestry Department of the Town of Lancaster, has requested that a cosmetic improvement be done to the original Town Hall Building located at 21 Central Avenue by having the tile grout cleaned, removed and re-grouted in the restrooms in the original portion of the Town Hall, and

**WHEREAS**, the General Crew Chief has obtained a price quote for the tile grouting improvements which was previously provided to the Town Board in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated April 29, 2014, the General Crew Chief has recommended that the Town of Lancaster approve the proposal for tile grouting improvements of the restrooms in the original Town Hall to **Milan Tile Co.**, 196 Bielak Road, Orchard Park, New York 14127, and

**WHEREAS**, funding for updating was anticipated during the bonding process for the Town Hall addition and is still available, therefore, there will be no budgetary impact on the 2014 Town budget.

**NOW, THEREFORE, BE IT  
RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts and authorizes the Supervisor of the Town of Lancaster to sign the Proposal with **Milan Tile Co.**, 196 Bielak Road, Orchard Park, New York 14127 in accordance with their quote dated March 9, 2014 in the amount not to exceed \$3,100.00 for tile grouting improvements in the restrooms within the original Town Hall and to be paid for with funds available from the Town Hall Addition Bond.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the General Crew Chief Terrence McCracken, by letter dated April 30, 2014, has requested the appointment of part-time temporary seasonal employees to work in the Parks, Recreation and Forestry Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals are hereby appointed to the following part-time temporary seasonal positions, for a period not to exceed five (5) months, in the Parks, Recreation and Forestry Department effective May 6, 2014, and that these being part-time positions provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
Andrea Baccari (rehire) Lancaster, NY	Laborer	\$8.00
Adam Bertucci (rehire) Lancaster, NY	Laborer	\$8.00
Matthew Bertucci (rehire) Lancaster, NY	Laborer	\$8.00
Bryan Clark (rehire) Depew, NY	Laborer	\$8.00
Zachary Kozlowski (rehire) Lancaster, NY	Laborer	\$8.00
Thomas Krickovich (rehire) Lancaster, NY	Laborer	\$8.00
Scott Lawniczak (rehire) Lancaster, NY	Laborer	\$9.15
Christopher Lommer (rehire) Lancaster, NY	Laborer	\$8.00
Steven Michel (rehire) Lancaster, NY	Laborer	\$8.00
Connor O’Brien (rehire) Lancaster, NY	Laborer	\$8.00
Paul Rath (rehire) Lancaster, NY	Laborer	\$8.00
Kevin Schwach (rehire) Lancaster, NY	Laborer	\$8.00

Nathan Smith (rehire) Lancaster, NY	Laborer	\$8.00
John Suchy (rehire) Lancaster, NY	Laborer	\$8.00
Trevor Was (rehire) Lancaster, NY	Laborer	\$8.00
Zachary Zika (rehire) Lancaster, NY	Laborer	\$8.00

**BE IT FURTHER,**

**RESOLVED,** that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the General Crew Chief Terrence McCracken, by letter dated May 1, 2014, has requested the appointment of a part-time temporary seasonal employee to work in the Parks, Recreation and Forestry Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the following part-time temporary seasonal position, for a period not to exceed five (5) months, in the Parks, Recreation and Forestry Department retroactive to April 28, 2014, and that this being a part-time position provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR.</u>
Cortney Sobowiec (rehire) Lancaster, NY	Lifeguard	\$9.00

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, by letter dated April 30, 2014, Town of Lancaster Highway Superintendent Daniel Amatura has requested the Town Board to amend the 2014 Highway Funds budget to reflect a change in the number of Heavy Equipment Operators from three (3) to four (4) and a decrease in the number of Light Equipment Operators from nine (9) to eight (8), and

**WHEREAS**, the Highway Superintendent’s letter states that this allocation will not change the dollar amount needed in the 2014 budget as the funds are already available,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2014 Adopted Budget for the Town of Lancaster be and hereby is amended to reflect an increase in the number of Heavy Equipment Operators in the Highway Department from three (3) to four (4) and a decrease in the number of Light Equipment Operators in the Highway Department from nine (9) to eight (8).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

May 5, 2014

## **COMMUNICATIONS & REPORTS**

- 248. Erie County Clerk to Supervisor –  
Mortgage Tax on real estate distribution to municipalities.  
Disposition = Received & Filed**
- 249. Governor Cuomo to Supervisor –  
2014-15 Enacted New York State Budget: Summary.  
Disposition = Received & Filed**
- 250. Town Clerk to Code Enforcement Officer –  
Transmittal of request for renewal of Special Use Permit to operate a home  
occupation at 60 Michael's Walk. Disposition = For Resolution**
- 251. Joseph Cipolla, President Bella Vista Group to NYS Senator Charles E. Schumer –  
Request for legislation that holds lenders responsible for routine maintenance of  
abandoned properties that they hold notes on (Zombie Houses).  
Disposition = Received & Filed**
- 252. Keith Reed, Twin District Volunteer Fire Co. to Town Clerk –  
Request for change in roster. Disposition = Resolution 5/5/14**
- 253. Keith Reed, Twin District Volunteer Fire Co. to Town Clerk –  
Request for change in roster. Disposition = Resolution 5/5/14**
- 254. David Denk, NYSDEC to Town Attorney –  
SEQR Lead Agency Designation for the Town of Lancaster regarding proposed  
addition and site improvements for Jiffy-Tite, 4437 Walden Avenue.  
Disposition = Planning Committee**
- 255. Town of Newstead Town Clerk to Lancaster Town Clerk –  
Notice of Public Hearings on amendments to the Town of Newstead Zoning Map.  
Disposition = Received & Filed**
- 256. Town of Newstead Town Clerk to Lancaster Town Clerk –  
Certified adopted resolution as it pertains to opposition of the closing of the  
Amherst Social Security Office. Disposition = Received & Filed**
- 257. Commissioner of Erie County Public Works to Supervisor –  
Notice of road restriction for bridge repairs on Bowen Road from Broadway to  
William Street from April 24, 2014 to May 12, 2014, or until complete.  
Disposition = Received & Filed**
- 258. Commissioner of Erie County Public Works to Supervisor –  
Notice of road closure for bridge repairs on Schwartz Road from Hall Road to  
William Street from April 24, 2014 to May 12, 2014, or until complete.  
Disposition = Received & Filed**
- 259. Town Clerk to Various News Media –  
Notice of road restriction for bridge repairs on Bowen Road from Broadway to  
William Street from April 24, 2014 to May 12, 2014, or until complete.  
Disposition = Received & Filed**
- 260. Town Clerk to Various News Media –  
Notice of road closure for bridge repairs on Schwartz Road from Hall Road to  
William Street from April 24, 2014 to May 12, 2014, or until complete.  
Disposition = Received & Filed**
- 261. Supervisor to Captain Marco Laurienzo –  
Request for assistance with looking into the matters addressed in Mr. Miller's  
attached letter regarding Broezel Avenue. Disposition = Received & Filed**

262. Town Councilman John Abraham, Jr. to Town Clerk –  
New York State Retirement Time Reporting. Disposition = Received & Filed
263. Supervisor's Secretary to Town Clerk –  
Information regarding Erie County Water Authority annual main flushing program in the Town and Village of Lancaster the week of April 28, 2014.  
Disposition = Received & Filed
264. Tara Ellis, President Meals on Wheels for Western New York, Inc. to Supervisor –  
Application for funding from the Town of Lancaster to Meals on Wheels for Western New York in the amount of \$25,000.00. Disposition = For Resolution
265. Alden Town Clerk's Office to Town of Lancaster –  
Draft copy of Proposed Local Law amending Section 20-88 of the Alden Town Code to increase the number of members of the Town of Alden Planning Board to seven members. Disposition = Received & Filed
266. Town Clerk to Various News Media –  
Press Release to remind all Town residents (excluding the Villages of Lancaster and Depew) about Yard Sale permits. Disposition = Received & Filed
267. Highway Superintendent to Town Board –  
Request for resolution to appoint Cory Davis for the 2014 summer season in the Town Highway Department. Disposition = Resolution 5/5/14
268. Village of Lancaster to Town Board –  
Minutes from regular meeting held on April 14, 2104.  
Disposition = Received & Filed
269. Village of Lancaster to Town Board –  
Minutes from organizational meeting held on April 7, 2014.  
Disposition = Received & Filed
270. Thomas Dearing, Dep. Commissioner ECDEP to Supervisor –  
Community Development Block Grant Report (Cumulative) – 4/01/2013 – 03/31/2014 Disposition = Received & Filed
271. Planning Board Chair to Town Board, Planning Board, Engineering Consultant, Town Attorney, Highway Superintendent, and Building & Zoning Inspector –  
Draft copy of minutes from April 16, 2014 Planning Board meeting.  
Disposition = Planning Committee
272. Planning Board to Town Board –  
Recommend approval of site plan for Jiffy Tite, 4437 Walden Avenue (Proj. #1401); no conditions. Disposition = Received & Filed
273. Planning Board to Town Board –  
Recommend approval of site plan for Apple Rubber Warehouse Addition, 204 Cemetery Road (Proj. #2142); no conditions. Disposition = For Resolution
274. Detective Captain William Karn to Town Board –  
Request for resolution to allow one detective to attend the Reid "Investigative Interviewing for Child Abuse" at Tonawanda, NY from June 17-19, 2014.  
Disposition = Resolution 5/5/14
275. General Crew Chief to Supervisor and Town Board –  
Request for Town Board authorization for Milan Tile to regROUT the floors in the restrooms in the old portion of Town Hall. Disposition = Resolution 5/5/14
276. Supervisor to Captain Marco Laurienzo –  
Transmittal of request from Paulette Koral, Winding Way regarding installation of "No Outlet" signs on Lake Forest Parkway at Lake Ave. and Lake Forest Parkway at Winding Way. Disposition = Received & Filed

277. Chief of Police to Town Board –  
Request for resolution to allow Police Officer Shaun DiMino to attend the Tactical Shotgun Instructor's School in May 2014. Disposition = Resolution 5/5/14
278. Town of Amherst Planning Director to Town Clerk –  
Reply regarding variance petition for 6647 Transit Road; comments noted.  
Disposition = Received & Filed
279. James Allein, Pres. Lancaster Rural Cemetery Assoc. to Supervisor and Town Board-  
Thank you for recent \$5,000.00 budget appropriation to Lancaster Rural Cemetery and update information. Disposition = Received & Filed
280. Town Attorney to Supervisor, Town Board Members, Planning Board Members, Building Inspector, Town Engineer and Town Clerk –  
Notice of SEQR Meeting regarding Jiffy-Tite Addition, 4437 Walden Ave. (Proj. #1401) and Elea Enterprises, 110 Rotech Dr. (Proj. #3701), on Monday, May 5, 2014 at 6:15PM. Disposition = Planning Committee
281. Town of Amherst Planning Dept. to Town Board –  
Request for reply to Town of Amherst's request for Lead Agency in SEQR process regarding Amendments to Town of Amherst Zoning Ordinance.  
Disposition = Received & Filed
282. Town of Amherst Planning Dept. to Town Clerk –  
Copy of Local Law to Amend the Zoning Ordinance to add indoor recreation facility and dormitories as permitted uses in the community facilities district.  
Disposition = Received & Filed
283. Town of Amherst Planning Dept. to Town Clerk –  
Copy of Local Law to Amend the Zoning Ordinance to add day-care center & golf course & country club as permitted uses and require planned unit development in the recreation conservation district. Disposition = Received & Filed
284. Town Clerk to Various News Media --  
Notice of SEQR Meeting regarding Jiffy-Tite Addition, 4437 Walden Ave. (Proj. #1401) and Elea Enterprises, 110 Rotech Dr. (Proj. #3701), on Monday, May 5, 2014 at 6:15PM. Disposition = Received & Filed
285. General Crew Chief to Supervisor and Town Board =  
Request for appointment of Cortney Sobowiec to the position of seasonal employee (lifeguard) in the Parks, Recreation & Forestry Dept. Disposition = 5/5/14
286. General Crew Chief to Supervisor and Town Board –  
Request for appointments of part-time temporary seasonal positions for the Spring/Summer 2014 season in the Parks, Recreation & Forestry Dept.  
Disposition = Resolution 5/5/14
287. Highway Superintendent to Town Board –  
Request for resolution to change the position allocations of personal services in the 2014 Highway budget. Disposition = Resolution 5/5/14
288. Highway Superintendent to Town Clerk –  
Information regarding milling and paving in different areas in the Town and request that the Town Clerk's Office not issue any Yard Sale permits for the first area from May 19, 2014 to June 19, 2014. Disposition = Received & Filed
289. Town Attorney to Town Board and Planning Board –  
SEQR response from Erie County Dept. of Public Works regarding Autumnwood Subdivision, William Street and Bowen Road. Disposition = Planning Committee



- 290. Chief of Police to Town Clerk –  
Articles and communications. Disposition = Received & Filed**
- 291. Lewis Pacanowski, Dog Control Officer to Town Board –  
Monthly Dog Control Report for March 2014. Disposition = Received & Filed**
- 292. Lewis Pacanowski, Dog Control Officer to Town Board =  
Monthly Dog Control Report for April 2014. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED  
BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned  
in memory of Richard L. Enser and Jean L. Halm at 8:15 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk